

**Borough of Watchung
Planning Board Meeting Minutes
7:30 p.m. April 18th, 2017**

Chairwoman Schaefer called the meeting to order at 7:30 p.m. Salute to the flag. The Chair called for a roll call. Present at the call of the roll were:

Schaefer (present) Boyd (present) Desnoyers (present) Ellis (present) Haveson (present)
Sopko (present) Pennett (present) Pote (present) Speeney (present) Spingler (present)
D'Annunzio (absent)

Linnus (present) Herits (present)

Chairwoman Schaefer indicated that there was a quorum to conduct business and stated that this meeting was being held in compliance with N.J.S.A. 10:4-6 of the Open Public Meetings Act and proper notification of this meeting had been made. She asked for a motion to waive the reading and approve the minutes of March 21st, 2017, it was moved, seconded and carried on a voice vote. Mr. Haveson did not vote.

Madame Chair made record that Seritage PB16-03 (Sears Auto) is adjourned to May and that we would be hearing PB16-02 (Sears Retail) only this evening. The Planning Board attorney asked the applicant's attorney to grant the board an extension until June 30th 2017 and it was granted.

The secretary called application: PB17-01 PSE&G Oakwood Road Block 7401 Lot 2 Site Plan approval and bulk variances. A draft resolution has been prepared, and this is a continuation of the public hearing addressing the remaining issues: fence color, and should the applicant be required to post a removal bond in the event of tower abandonment and any and all other issues. The board selected Sona Guard Noise Barrier wall system color Dust Bowl for the fence. Dean Stamos, attorney for the applicant asked that the requirement for the bond be waived in light of the use of the tower, which is transmission of electricity. Madame Chair called for questions and comments, hearing none the board agreed. Next the secretary read resolution PB17-R7 into the record. Chair called for a motion to accept the resolution, it was moved, seconded and carried on a call of the roll: Desnoyers (yes) Ellis (yes) Pennett (yes) Pote (yes) Speeney (yes) Chairwoman Schaefer (yes). Next she asked for a motion to memorialize resolution PB1701-R7 it was moved seconded and carried on a call of the roll: Desnoyers (yes) Ellis (yes) Pennett (yes) Pote (yes) Speeney (yes) Chairwoman Schaefer (yes).

Seritage Properties application PB16-02 Sears Retail Block 6101 Lot 5 was called. Attorney for the applicant, Patrick McNamara said the applicant plans to redevelop the Sears site into a series of stores and restaurants with bulk variance relief.

Chairwoman Schaefer asked the vice chair to read the site committee reports into the record. Mr. McNamara called Mr. Brad Bohler, Bohler Engineering 35 Technology Dr., Warren, NJ to provide testimony. Mr. Bohler, was duly sworn in and was accepted by the board. He provided an overview of the current site conditions and the proposed improvements. He offered Exhibit A-1 a color, aerial view into the record, not originally submitted to the board. We are waiting for confirmation from the DEP for wetlands and stream verification, but our current application does not propose to disturb any of those areas. Color Exhibit A-2 was submitted as an overall site and landscape plan Exhibit into the record and also not part of the original application submitted to the board. The proposal is to remove the 118,000 square foot Sears building and basement and to construct an approximate 88,000 square foot retail center made up of 4 pad sites and 2 larger buildings which are currently proposed to be divided with up to 5 users at this point preliminarily. We would require variance relief for set-back on some of the pads. We have the set-back requirements designed with the understanding that pedestrians would be

walking between the pad sites as well as parking for those areas. We do not intend to change the access points along Terrill Rd. and Route 22. We have a total of 429 proposed parking spaces. Pedestrian traffic is provided with sidewalks along Terrill Rd into the site and on both sides as well as crosswalks throughout the pads sites. Loading dock will remain the same as it is now with the entrance off 22. Trash removal is handled the same way with compactors on the pad sites, but because we don't have tenants at this point it may change in the future. Note that we are reducing impervious coverage by 1.78 acres. There was a note about flooding in the area as storm water does discharge from the stream. With the reduction in the impervious coverage that will help mitigate some of that. We meet the criteria for the reductions of storm water quality and quantity and also have approval from the soil conservation district for our discharge plan. Utilities for the site are provided through Route 22 for gas and electric or Terrill Rd. for water sewer. For lighting we have LED lights with house light shields along the frontages of the property as well as the properties in the back of the lot. In reference to the Police Departments letter, we will work with the department on providing security lighting throughout the night and security lighting in the back of the property, loading zones as well as select areas on the site. We propose to provide a significant amount of landscaping and 266 trees including evergreens. We will also provide street furniture i.e. benches and trash receptacles. Mr. McNamara stated that with respect to the park and ride, it is the applicant's understanding that the bus stop is on lease which will cease as soon as the Pulaski skyway project is complete.

Mr. McNamara asked Mr. Bohler to address Maser's letter of Feb 27, 2017 as Exhibit A-3. The applicant agreed to comply with numbers 2 through 9 under the general comments section. Mr. Herits asked if they would comply with the Police Department's request for fencing. Mr. Bohler said they felt it was not necessary and that the brook and security cameras were a sufficient deterrent, but they would comply with Title 39 and work with the police department in regards to providing a blanket easement to give police the right of access as a condition of approval beyond Title 39 jurisdiction, as well as encourage the tenants to advise the police department of their security systems, Knox boxes, keys and access. Mr. Linnus asked if they could add that as a condition in the lease. Mr. McNamara checked with his client and said although he is not handling the leases, he would advise them of such. Mr. Herits stated Knox boxes are primarily a requirement of the fire departments use and suggested the board allow the police department to make a decision on security and to have the police department address it. Madame Chair agreed. The applicant agreed to comply with items 1-5 under the Stormwater Management section and under Utilities the applicant can satisfy items 1-7 with the exception of number 6 HVAC as that's going to be tenant based and we will come to the board for final approval. Mr. Herits asked for the impervious reduction amount on the Stormwater Management. Mr. Bohler answered, 1.7 acres total of impervious reduction for the entire site. Mr. Herits called attention to item 4 with the grease traps noted under utilities with restaurants. Mr. Bohler agreed. With regard to lighting and landscaping the applicant agreed to items 1-9.

Mr. Bohler asked the board if there were any questions on the elevations of the architectural plans. Madame Chair deferred to Mr. Healy and he asked the applicant to address his report. Exhibit A-4 Mr. Healey's report of March 2nd 2017 was entered into the record. Mr. Herits added that he and Mr. Healey both met with regards to the comments in his report. The applicant kept changing plans, quicker than we could set up a meeting with them. Madame Chair understood.

Mr. Healey asked if the applicant was in agreement with the variances requested on page three. The applicant agreed. Do you agree with item 3, asked Chairwoman Schaefer. Mr. Bohler said, yes, on page 4 in reference to shopping center requirements for parking, we don't have tenants per say, so some users may require more parking. We used a more conservative approach. Mr. Healey said because this is a shopping center and you are applying shopping center standards

with respect to set-backs and design standards, you should be using the parking requirements for shopping centers as well. Over time the tenants will change and that's why there's one standard for a shopping center. Mr. Healy suggested how the applicant could improve the site plan by reducing 10-12 parking spaces. Mr. Bohler said they would take a look at it and will address it when they have a specific tenant in mind. Mr. Linnus made it clear that the board will not grant preliminary approval without designated parking in terms of the number of spaces and the site plan. You have to show parking layout in compliance with the ordinance and whatever the board approves. You can come in and amend preliminary at a later date, but this board will not grant preliminary approval without a parking layout. Mr. Bohler agreed to work with Mr. Healey.

Turning radius was also discussed and the applicant is willing to work with the board engineer to make improvements if required. Mr. McNamara said they would take into account all the comments that have been presented in the report and advise the tenants as to what's required by ordinance. Mr. Healey stated the applicant is asking for variances on set-backs for 7 of the 9 buildings, but has not provided what the architectural or signage will look like. The Chair agreed with Mr. Healy. She said we need more detailed architectural, not a blank canvas signifying when we get a tenant this is what it's going to look like. Mr. Bohler response was with regard to the Architectural Treatments and signage, we do not have tenants at this time. Madame Chair interrupted, "but you're proposing this to propose to change it depending on the tenant." Mr. Bohler replied, "Potentially yes." Mr. Herits added I think there should be a standard design throughout the site. If the board does it the way you are suggesting, you will give them a preliminary then come back for an amended preliminary and so on. Mr. McNamara said he understood and will take the message back to his client. Mr. Herits asked the applicant to discuss the landscaping proposal around the perimeter. Mr. Bohler said the entire parking area is surrounded by low evergreen shrubs as well as street trees. Mr. Herits asked the applicant to describe the interior parking landscaping. There will be street trees and ground cover in the interior. It was designed to respect site lines from vehicles and pedestrian safety. Mrs. Pennett reminded the applicant to follow the tree ordinance with respect to conifers. The applicant agreed to comply.

Mr. McNamara had no further questions. Chairwoman Schaefer asked if Mr. Healey and Mr. Herits had further comments. Mr. Healey asked the applicant to address #20. The plan proposes dumpsters in the front yard for Buildings A, B and D and our ordinance prohibits that, so they need to address moving them outside of the front yard or adding more screening with a masonry wall that matches the building. Attorney for the applicant concurred and it will be addressed.

Mr. Linnus asked the applicant to provide testimony to item 21. Mr. Bohler said they would work with Mr. Healey with regard to providing site furniture and the locations for them.

Madame Chair called for questions from the board. Mayor Pote asked for the applicant to provide the board with a copy of the 2 pages they do not have. Will the two access points from 22 East remain? Yes the same as the current conditions. What is the prediction of the percentage of access from each of the three entrances? Our traffic engineer will address that. Will the vegetation be low enough for vehicles and safe for pedestrians going between buildings? The shrubs along the parking areas will be at the level of headlights and for the pedestrians we have sidewalks. Will security be discussed more? Do you have an expert? Yes. Madame Chair interrupted, do you have security cameras? Mr. McNamara said the applicant would discuss that with each tenant in terms of their needs. Will you meet with our police chief with regard to minimum security requirements in general, not tenant specific? Madame Chair emphasized the importance of meeting with our police chief with regard to theft and security. Mr. Speeney asked Mr. Bohler what options were available for LED sodium colored lighting. Mr.

Bohler said he wasn't familiar with the LED colors and would look into it and get back to the board. Mrs. Pennett asked the applicant to further explain the lease on the park and ride with regard to the Pulaski Skyway. Mr. Bohler said it's a monthly agreement and can be terminated with a 30 day notice. Mr. Ellis said his understanding was that it was a few years away. Mr. McNamara said his understanding was that it would be later this year. Madame Chair commented that the park and ride was there before the Pulaski Skyway construction, so why is it going away? Mr. Bohler explained that Sears entered a month to month agreement and have the right to terminate it. Mr. Haveson asked if the applicant would consider continuing with the Park n Ride based on the retail restaurant development. Mr. McNamara said they would get back to us. Have the larger buildings on the architecturalals been designed? Elevations and sign plans have not. So at this particular point in time you don't have tenants? Correct. Mr. Haveson asked if they had a time line as to when the applicant plans on starting this work. Mr. McNamara said later this year. Madame Chair asked that the applicant provide the board a drawing of what the buildings will look like on their sides and rears. She also asked on behalf of Gray's florist, if there was an access from this site to behind the Raymour and Flannigan and into the florist. Mr. Bohler said the survey does not show cross access from Raymour and Flannigan to our site. Mr. Herits said there's a retaining wall there. The Chairman said maybe I misunderstood him. Mr. Speeney asked who owns the pad sites and whether it will be a condo relationship. Mr. McNamara said the entire site is owned by Seritage. It will be a straight up landlord/tenant lease relationship. Madame Chair called for more questions. Mr. Sopko asked how the compaction is going to work, so that the hole there is going to be stabilized. Mr. Bohler explained the process and that it would take some time to complete, but it would be in accordance with standard practices for compaction. Mr. Sopko asked what other projects had a similar compaction of this size. Mr. Bohler said a FedEx facility in Wayne.

Mr. Haveson asked who determines whether the fill has been approved. The contractors are responsible for that. Mr. Herits added that for a job of this size, they post escrow accounts for inspection and our inspectors check tickets and make sure it's approved. He also asked if they were going to have any architectural testimony based on the architecturalals submitted. Mr. McNamara apologized and said the applicant wanted to have tenants, but potential tenants ask if we had the approval. After discussion, the board made it clear that the applicant needs to have concrete architecturalals. Mr. Speeney asked if the pads will remain the same going forward. Mr. Bohler said yes we are not changing the buildings. So in your final approval you're asking to approve those pad sites as shown? Yes. Madame Chair asked if you find a tenant that may require a larger pad size, are you going to come back to the board. Yes, if necessary we will do so. At this time we don't have tenants. Until we have tenants we don't know. Madame Chair opened it up to the public. Kevin Hammel, East Dr. asked if they had developments in the past where they had done away with park and rides. "No." Have you looked at the impact of that on the community and would you consider it an asset to the community to have a park and ride? I can't answer that question, but the traffic engineer will address that. Hearing no other questions from the public, John Harter, traffic consultant, 35 Technology Dr., Warren was duly sworn in. We did a study on both parcels (East and West) so that we had a comprehensive study. We had originally done the study on the East parcel (Auto) as a retail, but now understand it is proposed as a cinema, we will be updating the report as we go forward. In summary, the retail (Sears) parcel traffic benefits are the reduction in the building area by 60%, maintaining site access with two right in/right out drive ways on Route 22 and full signalized access on Terrill Rd. As it is designed, having multiple buildings it will help distribute the parking demand. We looked at two main peak hours for the site, weekday evening and on a Saturday midday. With the redistributed area on the site we anticipate more of a 50/50% access use of both of those two driveways in the future. For a Saturday the new trips we expect were 190 during peak hour and 140 for weekday peak hour. So we are looking at approximately 2-3 new vehicles coming to the site each minute during those peak hours. The overall results indicate that in the "no build" and "build" scenario we would not see any

significant change in level of service. The level of service change that we did find between the "build" and "no build" was the Eastbound left through lane coming out of the site turning onto Terrill Rd. On a Saturday it changed from a "C" to a "D." The other level of service that was a concern is Route 22. The right turn out onto 22. The volume is very heavy during peak hours, which is typical of the corridor on 22 for any driveway in the area. Exit queuing results indicate that in the future it's calculated to be either 2 or 3 vehicles in the queue. So the queued vehicles are not backing out of the stacking area. In general we found that the site will operate under favorable conditions. In the intersection of Route 22 and Terrill Rd. we did find delays there and the DOT asked us to study that. They have a coordinated system on 22. They said we could look at timing changes, but we could not exceed 7 seconds. So we did find the southbound movement on Terrill Rd. from there were delays from the jug-handle that violated the access code criteria. So we looked at moving time from Route 22 and with that we did not exceed the 7 seconds and we met the criteria.

With regard to the planners report, I agree with most of suggested improvements specifically with site lines on building 5 and building A's trash enclosure. Madame Chair called for questions from the Board Engineer, Planner and Traffic Expert. John Jahr, 1 River Center Dr. Red Bank, N.J., traffic consultant for the board was duly sworn in. In general the traffic comments Mr. Harter reported are as stated as he put on the record and I don't have exception to any of them. I have some minor additions, first that the board require the applicant share all correspondence with the NJ DOT, the county and the boards engineer. The other request is that the board consider granting approval for the planner, board engineer, the applicant's traffic engineer, site planner and my-self have a meeting to resolve the concerns about safety on the site. Mr. McNamara and Madame Chair both agreed. Note for the record, I'd like to assure the board that much of the level of service issue is an existing condition with Route 22. This applicant shouldn't be the victim of an existing situation, this is a regional problem with Route 22 and I think they have done everything they can to mitigate their impacts on the site. I'd like to see their revised traffic report before I can give any further commentary to the board. Chairwoman Schaefer called for questions from the board. Mayor Pote, will the revised plan include the movie theater assuming that would change your numbers. Mr. Jahr most likely the new report will show less of an impact. The movie theater will impact when the movies come and go. For the pm peak hours typically are not shown, however for the Saturday we will show data. That will be for the Cinema application, not this one. Regarding pedestrian traffic from movie theater lot to retail/restaurant lot Mayor Pote asked if that is a consideration as to how the crosswalks may change. When we come back from our meeting with the professionals we will cover that and present it to the board at the next hearing with regard to access and circulation. Mayor Pote asked if NJDOT had any plans for sidewalks on Route 22. Mr. Harter said East of Terrill Rd. there have been some sidewalks installed, but he doesn't have the full scope of what they're plans are there. Mr. Sopko asked for an example of another site that has the ring road design and how is it different than a traffic circle? After discussion, Mr. Jahr said because it's significantly smaller than the more formalized malls with ring roads. We will have to look into that further. Chairwoman Schaefer asked Mr. Jahr if he sees any potential problem with traffic backing up entering this mall at peak hours or holidays on 22 or Terrill. Not any more than we see today. I don't see it getting any worse. Madame Chair questioned, even with different groups of stores and eateries, etc.? Watchung Square gets backed up on 22. The Mayor commented, I don't' understand how it could NOT get worse. Your traffic study is based on the Sears situation, not based on the proposal. Mr. Harter, yes we counted the existing and then in the future case used 3 times as busy. But the distribution of the buildings is going to help disburse the traffic throughout the site. Also, the key point here is 150 feet of free flow into the site which does not exist on Route 22. Mr. Jahr said he would look at Mr. Harter's numbers prior to our next meeting. Mr. Haveson, asked if when approaching the T coming off Route 22, will cars be able to go right or left? Mr. Harter said, yes there's a right lane and a left lane. What's going to control the traffic making a left when they come in?

There are stop lines for motorists westbound and eastbound. So they're forced to stop and the inbound has the right of way. Inbound does not have a stop sign and that's how we'll avoid the backing up on Route 22 and Terrill Rd. has the same situation. Madame Chair questioned the fact of not having a yield or stop sign there. Mr. Harter replied we designed this to help the flow of traffic on Terrill and 22 and when dealing with the state, they don't want inbound movement stopped and to have right of way intersections. So that's why we felt that was the best design. Mr. Haveson asked if they would consider a stop sign or a yield sign. If there's a problem, that's something that could be done. Mr. Jahr said the professionals would look at this in more detail and make adjustments when we meet. Mr. Speeney asked how many cars fit in the 150 foot entrance lane. Six to seven cars for each lane. Hearing no further questions from the board, the Chair opened it up to the public, hearing none, the public portion was closed. Mr. Healey was duly sworn in and accepted as an expert and prior testimony accepted. Mr. McNamara asked Mr. Linnus for the due date for revised plans or documentation for distribution. Our next meeting is May 16, 2017, so May 1st would be acceptable, however the professionals need to meet prior to the submittal. Madame Chair asked if they plan on bringing the application for Lot 1 (Sears Auto) to the next hearing. At this point in time yes, but I'll discuss that with my client. Madame Chair then opened it up to the public for comments, hearing none, the public portion was closed. Meeting carried to May 16th, 2017 with no further notice required.

Meeting adjourned at 10:30p.m.

Respectfully Submitted,

Maryann Amiano
Planning Board Clerk